IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 345 OF 2006
IN
CRI. APPEAL NO. 325 OF 2006

Suresh Damu Kadam .. Applicant.

V/s.

State of Maharashtra .. Respondent.

Mr. Ganesh Gole for the Applicant.

Mrs. A.S.Pai, APP for the Respondent State.

CORAM : D. G. DESHPANDE
S. A. BOBDE, JJ.

DATED : 21st JUNE, 2006.

P.C.:

1. Heard the learned Advocate for the applicant accused and the learned APP for the State.

2. The Appeal of the applicant accused is already admitted. This is a bail application. The accused is convicted for murdering his wife. The injuries that were inflicted on the deceased -wife are stated in para-9 of the trial court judgement. There is no doubt that this is a homicidal death. The accused was present in the house. His own daughter, in her evidence has stated that her father and uncle burnt the white clothes on the next day of the incident on the east of her house. Shri Gole, the learned Advocate for the

Applicant accused, states that the supplementary statement of the daughter of the accused was recorded after two months and that during this two months of period when she was living with the parents of the mother the girl has not disclosed anything against the accused in her earlier statement and that she was studying in 7th standard at the relevant time.

3. Non-disclosure of this fact by the daughter in her earlier statement is not of much significance at this stage of bail because the daughter must have been shocked and frightened because of the death of her mother in such a manner.

4. According to the learned Advocate for the accused, the accused came to be arrested only after two months and that itself shows that there was no evidence against him. We are not in agreement with the submission. The nature of injuries, the presence of the accused in the house and the statement of the daughter are circumstances strong enough to reject the prayer of bail.

5. Hence, bail application is rejected.

(D.G.DESHPANDE,J)

Dt.21.06.2006

(S.A. BOBDE, J)

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